# This Page Is Inserted by IFW Operations and is not a part of the Official Record

# **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

# IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents will not correct images, please do not report the images to the Image Problem Mailbox.

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	of: Stewart et al.	)		
Application No.:	10/079,136	)	Art Unit:	1633
Filed:	February 20, 2002	)	Examiner:	
For:	Methods and Composition for Therapeutic Intervention in Infectious Disease	)	·	
Commissioner o	f Patents		Docket No: 19626-0211	(45454/270653)

### RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND PETITION FOR EXTENSION OF TIME

**Assistant Commissioner for Patents** Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed on April 8, 2002 enclosed are the following documents (1) the declaration executed by the inventors; (2) a check for \$65.00 to cover the surcharge for late filing of the declaration; (3) a check for \$412.00 to complete the basic filing fee for a small entity and for an additional independent claim; a petition for a one month extension of time; and (4) a check for \$55.00 for the extension fee. A copy of the Notice to File Missing Parts of Nonprovisional Application is also enclosed.

#### CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231, on June 27, 2002.

U.S. Serial No. 10/079,136 Filed: February 20, 2002

Page 2 of 2

Pursuant to 37 C.F.R. 1.136(a), Applicants petition the Commissioner for Patents for a one-month extension of time, through and including July 8, 2002, to respond to the Notice to File Missing Parts of Nonprovisional Application mailed on April 8, 2002. Enclosed is a check in the amount of \$55.00, the fee pursuant to 37 C.F.R. 1.17. The Commissioner is authorized to change any additional fee relating to this filing to Deposit Account No. 11-0855.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

alita a. mills

Aleta A. Mills

Reg. No. 47,794

Date: June 27, 2002

KILPATRICK STOCKTON LLP 1100 Peachtree Street Suite 2800 Atlanta, Georgia 30309 (404) 815-6500

#### **COPY OF PAPERS** ORIGINALLY FILED PTO/SB/21 (08-00) Approved for use through 10/31/2002. OMB 0651-0031 Please type a plus sign (+) inside this box -> + U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE ne Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10,079/136 Application Number TRANSMITTAL February 20, 2002 Filing Date **FORM First Named Inventor** Stewart, et al **Group Art Unit** 1633 (to be used for all correspondence after initial filing) **Examiner Name** Total Number of Pages in This Submission 8 **Attorney Docket Number** 19626-0211(45454-270653) ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form (for an Application) Group Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group Amendment / Response Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) Status Letter **Provisional Application** Power of Attorney, Revocation Other Enclosure(s) Extension of Time Request Change of Correspondence Address (please identify below): **Declaration and Power of** Terminal Disclaimer Attorney Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Aleta A. Mills, Reg. No. 47,794 Individual name alita O. Mills Signature

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Aleta A. Mills, Reg. No. 47,794

Signature

Date

June 27, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995

COBA OF LALENS	
SONS ORIGINALLY FILED	U.S. Patent and
sons Obligativa Introposications	collection of info

			Complete if Known			
OIF	FEE TRANS	MIITAL	Application Number	10/079,136		
	for FY 2	002	Filing Date	February 20, 2002		
TATE OF SOUR A	F 3	Patent fees are subject to annual revision.	First Named Inventor	Stewart, et al		
	Patent fees are subject to a		Examiner Name			
dm.	DEMARKS	····	Group / Art Unit	1633		
MA	TOTAL AMOUNT OF PAYMENT	(\$) 532.00	Attorney Docket No.	45454/270653		

METHO	D OF PAYMENT (check	one)				FEE C	ALCULATION (continued)	
	commissioner is hereby a		3. AD	DITIONAL	. FEES			
1. Ki indica	ited fees and credit any o	er payments to:		Large Entity		Small Entity		
Deposit			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
Account 11-08 Number	55	i	105	130	205	65	Surcharge - late filing fee or oath	65.00
Deposit			127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
	rick Stockton LLP		139	130	139	130	Non-English specification	
Name			147	2,520	147	2,520	For filing a request for reexamination	
Charge Any Addition Under 37 CFR 1.16	and 1.17		112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
Applicant claims sn See 37 CFR 1.27	·		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
2. 🛛 Payment Enclos	sed:		115	110	215	55	Extension for reply within first month	55.00
⊠ Checks □ Cr	redit card	☐ Other	116	400	216	200	Extension for reply within second month	
			117	920	217	460	Extension for reply within third month	
BASIC FILING FE	FEE CALCULATION E		118	1,440	218	720	Extension for reply within fourth month	
Large Entity Small	Entity		128	1,960	228	980	Extension for reply within fifth month	
	Fee Fee Description		119	320	219	160	Notice of Appeal	
	(\$)	Fee Paid	120	320	220	160	Filing a brief in support of an appeal	
	370 Utility filing fee	370.00	121	280	221	140	Request for oral hearing	
	<ul><li>Design filing fee</li><li>Plant filing fee</li></ul>		138	1,510	138	1,510	Petition to institute a public use proceeding	
108 740 208	370 Reissue filing fee		140	110	240	55	Petition to revive - unavoidable	
114 160 214	80 Provisional filling	fee	141	1,280	241	640	Petition to revive - unintentional	
			142	1,280	242	640	Utility issue fee (or reissue)	
SU	BTOTAL (1)	370.00	143	460	243	230	Design issue fee	
2. EXTRA CLAIM FEES		7	144	620	244	310	Plant issue fee	
	F.4 F		122	130	122	130	Petitions to the Commissioner	
		ee from Fee elow Paid	123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
Total Claims 20 -20 Independent			126	180	126	180	Submission of Information Disclosure Stmt	
Claims 4 -3	<u></u>	42 = 42	581	40	581	40	Recording each patent assignment per property (times number of properties)	
Dependent	X [	= 0	146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
Large Entity Small Fee Fee Fee Code (5) Code	Fee Fee Descript	on	149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
Code (\$) Code 103 18 203	(\$) Claims in exc	an of 20					examined (37 CFR 9 1.129(b))	$\vdash$
103 16 203		laims in excess of 3	179	740	279	370	Request for Continued Examination (RCE)	
102 84 202		ndent claim, if not paid	169	900	169	900	Request for expedited examination	
109 84 209		ependent claims over					of a design application	
110 18 210	- '	ims in excess of 20 and	Other fee (specify)					
	SUBTOTAL (2)	(\$)42.00	*Redu	ced by Ba	sic Filing	g Fee Pa	sid SUBTOTAL (3) (\$) 120	.00
**or number previously paid,	if greater: For Reissues, se	above	-		<del></del>			

SUBMITTED BY		C	Complete (if applicable)			
Name (Print/Type)	Aleta A. Mills	Registration No. Attorney/Agent)	47,794	Telephone	404.815.6409	
Signature	alita	a. mills		Date	6-27-02	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

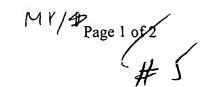
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.









# United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/079,136

02/20/2002

**Graham Stewart** 

19626-0211 (45454-270653)

**CONFIRMATION NO. 7018** 

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309



Date Mailed: 04/08/2002

# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

#### FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
   Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$42.
  - **₹** \$42 for 1 independent claims over 3.
- The oath or declaration is missing.
   A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 477.

370.00 GP 42.00 GP 65.00 GP • This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

07/12/2002 SDENBUBI 00000072 10079136

# For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE